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NOTES OF CASES.

Attorney and Client—Advertising as Divorce Lawyer.—In *Re Donovan*, 178 N. W. 143, 145, the Supreme Court of South Dakota, held that an attorney who published a booklet containing clippings claimed to have been taken from many newspapers referring to him as an international expert on marriage and divorce, etc., was guilty of advertising as a divorce lawyer through the public press, and under the circumstances of the case should be suspended from the practice for six months.

The court said in part: "The newspaper articles mentioned in the complaint consist of 62 separate articles, each of which purports to have been taken from a different newspaper. Each article gives an account of a more or less notorious divorce case, involving parties from many of the states of this country and some from foreign countries. These articles occupy a large percentage of the entire booklet, which contains only 112 small pages. Their origin is left wholly in doubt. Defendant's explanation is as follows: He does not pretend that he ever saw any of said articles in the papers to which they are accredited, with perhaps one or two exceptions, but claims that he was a subscriber to certain 'clippings bureaus,' and that these bureaus sent the clippings to him; that he believed they were genuine and that they had in fact been published as matters of news in the said newspapers. This explanation is not very convincing. In the first place, these several divorce cases do not seem to us to have been of sufficient importance to have been published as matters of news in the metropolitan dailies of the Eastern cities. In the second place, the outstanding feature of each and every one of these articles is the fact that defendant was the attorney for the successful party. Certainly these papers could have no interest in advertising him and his divorce business in this manner. In one article, accredited to the 'Mexico Daily Herald,' defendant is referred to as 'J. M. Donovan, the international expert on marriage and divorce.' In another article, accredited to the *Montreal Star*, defendant is referred to as 'J. M. Donovan, the well-known United States expert on marriage.' Many others are of similar import. This constitutes advertising as a divorce lawyer through the public press, and is generally held by the courts to be unprofessional and dishonorable conduct. 6 C. J. 599.

"This brings us to the more difficult question involved in the case to wit: What should be the judgment of the court? The referee who tried the case recommends that defendant be censured by the court for his unprofessional and dishonorable conduct, and that he be ordered to refrain and desist from such conduct in the future. The Attorney General excepts to the referee's recommendation, but does not recommend disbarment.

"It appears from the evidence that defendant was admitted to the

bar in 1889, and that he has been engaged in the practice of his profession constantly since that time; but, so far as the record shows, he has never given his attention to any other law business than that pertaining to divorce cases. This is his sole means of livelihood. He has a family. He has always been a good citizen and enjoyed the confidence and respect of people in his community. It is not claimed that he has ever overcharged or in any way taken advantage of his clients, or that he has ever practiced any fraud upon the courts of the state. On the other hand, his course of procedure has brought reproach upon the state abroad, and brought the bar and the courts of the state into disrepute at home. He appears to be without any sense of the proprieties or ethics of the profession.

"The ethics of the profession forbid that an attorney should advertise his talents or his skill as a shopkeeper advertises his wares. An attorney may properly accept a retainer for the prosecution or defense of an action for divorce when convinced that his client has a good cause. But for any one to invite or encourage such litigation is most reprehensible." *People v. McCabe*, 18 Colo. 186, 32 Pac. 280, 19 L. R. A. 231, 36 Am. St. Rep. 270.

"The practice of advertising or encouraging divorce litigations could hardly be condemned in stronger language, nor in our opinion could the condemnation be too strong. *Re Schnitzer*, 33 Nev. 581, 112 Pac. 848, 33 L. R. A. (N. S.) 941.

"To disbar defendant would be to deprive him of his means of livelihood after he has reached a time of life when it would be difficult for him to take up any other business. It is not at all likely that, if defendant is permitted to continue to practice law, he will ever again be guilty of any of the offenses charged in the complaint. But, on the other hand, his offense against the ethics of the profession has been too flagrant to be dismissed with a mere reprimand. To do so would be to reduce the case to a mere farce.

The judgment of the court will be that defendant will stand suspended from the right to practice in any court of record in this state for a period of six months from the entry of judgment herein."

Bailments—Liability for Stolen Automobile.—In *Chastek v. Abertson*, 191 Pac. 371, decided by the District Court of Appeal of California, it appeared that the owner of an automobile left his car with an automobile dealer, who was to examine and appraise it, and determine what amount could be allowed as a credit on a new automobile the owner contemplated purchasing from the dealer. The dealer took the machine, ran it into the central part of the city and left it at the curb. On his return, five or six minutes later, the car had been stolen.

The court said in part: "Appellants contend that the bailment was gratuitous; hence that a slight degree of care only was required of